

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES ALLEN SUSKE KINNEY,

Plaintiff,

v.

THE STATE OF WASHINGTON,
WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
AIRWAY HEIGHTS
CORRECTIONAL CENTER,
MAGGIE MILLER STOUT, MARK
MURPHY, JEFFREY WARD, MR.
RIDGEWAY, C/O HALL, JAMES
ROLLINS and DR. DEBORAH
TONIFER,

Defendants.

NO: 2:15-CV-00128-TOR

ORDER GRANTING MOTION TO
VOLUNTARILY DISMISS,
DISMISSING COMPLAINT,
DIRECTING THAT COLLECTION
OF THE FILING FEE CEASE AND
DENYING PENDING MOTIONS AS
MOOT

BEFORE THE COURT are Plaintiff's Motions to Voluntarily Dismiss (ECF

No. 17, 26), in which he also seeks to "adjust any fines or fee's I owe in writing,"
which the Court liberally construes as a Motion to waive collection of the filing
fee.

ORDER GRANTING MOTION TO VOLUNTARILY DISMISS, DISMISSING
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CEASE AND DENYING PENDING MOTIONS AS MOOT -- 1

1 Plaintiff, a prisoner at the Airway Heights Corrections Center is proceeding *pro se*
2 and *in forma pauperis*; Defendants have not been served.

3 Accordingly, **IT IS ORDERED** Plaintiff's Motion to Voluntarily Dismiss
4 (ECF No. 17, 26) is **GRANTED** pursuant to Fed. R. Civ. P. 41(a) and the
5 Complaint (ECF No. 9) is **DISMISSED WITHOUT PREJUDICE**. For good
6 cause shown, **IT IS FURTHER ORDERED** that Plaintiff's Motion to waive
7 collection of the filing fee is **GRANTED** and the institution having custody of Mr.
8 Kinney shall cease collection of the filing fee in this action, cause number **2:15-**
9 **CV-00128-TOR (formerly JPH)**. In addition, all pending Motions are **DENIED**
10 **as moot** and all pending deadlines shall be stricken.

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
12 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff
13 and close the file. The District Court Executive is further directed to send a copy
14 of this Order to the Office of the **Department of Corrections, Attn: LFO/COS**
15 **UNIT, P.O. Box 41107, Olympia, WA 98504-1107**, to forward to the appropriate
16 agency having custody of Plaintiff.

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ORDER GRANTING MOTION TO VOLUNTARILY DISMISS, DISMISSING
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CEASE AND DENYING PENDING MOTIONS AS MOOT -- 2

1 The District Court Executive also **shall** provide a copy of this Order to the
2 Financial Administrator for the United States District Court, Eastern District of
3 Washington.

4 **DATED** July 23, 2015.



5 A handwritten signature in blue ink that reads "Thomas O. Rice".
6 THOMAS O. RICE
7 United States District Judge

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ORDER GRANTING MOTION TO VOLUNTARILY DISMISS, DISMISSING
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CEASE AND DENYING PENDING MOTIONS AS MOOT -- 3